

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

JUL 15 2021

Clerk, U S District Court
District Of Montana
Billings

TAMMY WILHITE,

Plaintiff,

vs.

PAUL LITTLELIGHT, LANA
THREE IRONS, HENRY PRETTY
ON TOP, SHANNON BRADLEY, and
CARLA CATOLSTER,

Defendants.

CV 19-20-BLG-SPW

Consolidated with:

CV 19-102-BLG-SPW

ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND RECOMMENDATIONS

TAMMY WILHITE,

Plaintiff,

vs.

UNITED STATES,

Defendant.

The United States Magistrate Judge filed Findings and Recommendations on June 29, 2021. (Doc. 55). The Magistrate recommended that Defendants' Motion to Stay and Defendants' Petition for FTCA Certification Pursuant to the Westfall Act should be denied. (Doc. 55 at 2).

Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that the Magistrate committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 55) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendants' Petition for FTCA Certification Pursuant to the Westfall Act (Doc. 35) is **DENIED**.

IT IS FURTHER ORDERED that Defendants' Motion to Stay Proceedings Pending Resolution of Petition for FTCA Certification (Doc. 33) is **DENIED AS MOOT**.

DATED this 14th day of July, 2021.



SUSAN P. WATTERS
United States District Judge